

**Juvenile Justice Improvement Committee**  
Judicial Conference of Indiana

**Minutes**  
February 4, 2005

The Juvenile Justice Improvement Committee of the Judicial Conference of Indiana met at the Indiana Judicial Center on Friday, February 4, 2005 from 12:00 noon until 3:00 p.m.

1. Members present. Robert R. Aylsworth, Mary Beth Bonaventura, John Jay Boyce, W. Timothy Crowley, Richard A. Dailey, Brett J. Niemeier, Charles F. Pratt, R. Paulette Stagg, Frank Sullivan, and Daniel Lee Pflum, temporary chair.
2. Staff present. Jeffrey Bercovitz and Anne Jordan provided the committee with staff assistance.
3. Minutes approved. The minutes for the meeting on January 7, 2005 were approved.
4. Guests present. Magistrate Deborah A. Domine, Elkhart Circuit Court, Ron Miller, Division of State Court Administration, and Professor Jill DeAngelo, Ball State University was also present.
5. Administrative Rule 9 - Confidentiality.
  - a. Jeffrey Bercovitz distributed Administrative Rule 9, Trial Rule 5 (G), and excerpts of the Rule 9 User Handbook to committee members.
  - b. Magistrate Deborah Domine discussed concerns with the confidentiality provisions of Administrative Rule 9 and its use by prosecutors, clerks and probation officers in relation to juvenile courts. Ron Miller said the green paper inter TR 5 (G) is for confidential portions of otherwise open case files. He said Trial Rule 5 (G) (4) notes the green paper does not apply to sealed records or otherwise confidential material under Trial Rule 9.
  - c. Committee members discussed the use of green paper for service providers who give reports to juvenile court in CHINS cases. They discussed the filing of police reports, which are confidential when filed, but later opened in a juvenile felony crime delinquency case. In addition, they discussed administration of juvenile misdemeanor crime delinquency cases, which may be closed when filed but made open later by Ind. Code § 31-39-2-8. Committee members discussed placement of an entry in the CCS when it is clear a crime delinquency case is open.
  - d. Magistrate Domine agreed to draft a series of frequently asked questions for placement in the Rule 9 manual. The committee agreed to review this draft before forwarding it to Ron Miller.
6. Presentation by Professor Jill DeAngelo.
  - a. Professor DeAngelo distributed a survey of juvenile court judicial officers about factors they consider when waiving a juvenile to adult court.
  - b. Committee members suggested consideration of the differences in the size of counties, the addiction level of the child, and the number of cases waived in the past year. They suggested other changes and agreed it should be distributed to prosecutors and public defenders in addition to judges with juvenile jurisdiction.

7. Addendum to Interagency Agreement on Title IV-E waiver.

- a. Jeffrey Bercovitz distributed the Addendum to the Interagency Agreement for Indiana's Title IV-E Waiver Demonstration Project for delinquents and draft language for the implementation of that language from a local court.
- b. Committee members discussed the use by courts of the sentence, "Grant the Responsibility for Placement and Care of the child to either: a. the local Office of Family and Children, or; b. the local Juvenile Probation Department." They agreed this phrase should be placed in all delinquency orders, whether the juvenile is Title IV-E eligible or not in order to seek IV-E reimbursements when the child is eligible. In addition, they agreed to add the following language: "This in no way relieves the Office of the obligation to have court approval prior to any change in placement of the child."
- c. Committee members agreed to send a memorandum to all juvenile courts about the Addendum and suggested language.

8. Recent legislation.

- a. Committee members reviewed House Bills: 1038, 1140, 1197, 1198, 1209, 1217, 1549, 1567, 1577, 1589, 1624, 1696, 1699, 1711, 1743 and Senate Bills 151, 160, 292, 336, 340, 422, 450, 457, 481, 506, 526, 569, 585.
- b. Members of the committee agreed to forward their comments about HB 1699 to Judge Payne, Director, Department of Child Services.
- c. Judge Pratt moved the committee support SB 340, which provides when a motion to dismiss a CHINS petition is filed by OFC, a statement must be given including the reasons for the dismissal. In addition, the court may set a date for a hearing on the motion and if so, appoint a CASA or GAL. Judge Bonaventura seconded the motion. The motion passed unanimously. Judge Pratt agreed to call the author of the legislation to convey the committee's support.
- d. Committee members agreed to forward a question about HB 1567, an amendment to Indiana's curfew law. The committee asked who must possess the written permission for a child to be out after curfew? Must it be on the child's person?

9. Other.

- a. A local juvenile court rule from Fayette County was distributed to committee members.
- b. Jeffrey Bercovitz distributed recent newspaper articles concerning juveniles to members of the committee.

10. Next meeting dates. Committee members agreed to meet again on the following dates: March 4, 2005; May 6, 2005; and June 3, 2005 all from 12:00 noon – 3:00 p.m. at the Indiana Judicial Center. The following meeting dates were proposed: October 7, 2005 and November 4, 2005 from 12:00 noon - 3:00 p.m. at the Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director  
Juvenile and Family Law